



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,757	12/29/2000	Shmuel Shaffer	062891.0418	5060

7590 11/15/2004
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,757

Applicant(s)

SHAFFER ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-19, 22-32, 35-42 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 20, 21, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Allowable Subject Matter

1. Claims 7, 8, 20, 21, 33, 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach the CoS includes a priority associated with a called party when the CoS is determined for connection and for queuing the call request.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 22, 23, 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the type of the request” is not clearly defined. The phrase is insufficient antecedent basis and is also confusing. It is unclear what the “type” refers to.

Art Unit: 2645

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 11-15, 19, 24-28, 32, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al (US: 5600710), and in view of Malik (US: 6301349).

For claims 1, 2, 12-15, 25-28, 38, 39, regarding “receiving.....messaging system”, Weisser et al teach on column 9 line 24-29 a caller attempts to reach (read on claimed “receiving.....a request”) an “Advertise-on-Busy” subscriber. Weisser et al teach on column 14-17 service control point (SCP) and service node. The combination the SCP and service node is the claimed “access controller”.

Weisser et al failed to teach “a messaging system”. However, Malik teaches on item 25 Fig. 4 a called number is a VMS (claimed messaging system”) connecting to a SSP.

Regarding “determining.....if the messaging is available, establishing a telecommunications connection between the user and the messaging system”, Weisser et al teach on column 9 line 4-6 if the called number is not busy the call is connected.

Regarding “if the messaging system is not available.....queuing the request.....maintaining a telecommunications connection.....is queued”, Weisser et al teach on column 9 line 13-41 when the called number is busy the call is queued in the SCP and the connection is maintained with the service node for playing an advertisement.

Art Unit: 2645

Regarding claims 6, 19, 32, the calling number must be determined at the SCP (claimed “access controller”) for call connection and determining the priority (see column 8 line 4-7).

Regarding claims 11, 24, 37, Weisser et al teach on column 11 line 14-15 first-in-first-out basis.

4. Claims 3, 16, 29, and 4, 17, 30, and 5, 18, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 1 above, and in view of Malik (US: 6519333; hereafter, Malik-333).

Weisser et al teach on column 8 line 4-7 queuing a call based on the priority associated with the calling number.

Weisser et al failed to teach “determining a class of service.....queuing.....CoS”. However, Malik-333 teaches on column 4 line 47 to column 6 line 33 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al to have the “determining a class of service.....queuing.....CoS” as taught by Malik-333 such that the modified system of Weisser et al would be able to support the CoS for queuing to the system users.

Art Unit: 2645

5. Claims 9, 10, 22, 23, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as applied to claim 3 above, and in view of Malik, Malik-333, Chauvel et al (US: 6412048).

Regarding Claims 9, 22, 35, Weisser et al in view of Malik, Malik-333 as stated in claim 3 above failed to teach “the CoS.....for connection”. However, Chauvel et al teach on column 15 line 20-39 priority based on type of request. The “type of request” is the CoS because different CoS is different class and is different type.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333 to have the “the CoS.....for connection” as taught by Chauvel et al such that the modified system of Weisser et al, Malik, Malik-333 would be able to support the priority associated with the type of request to the system users.

Regarding claims 10, 23, 36, Weisser et al in view of Malik, Malik-333, Chauvel et al as stated in claim 9 above failed to teach “the type of.....leave a message”. However, Malik teaches on Abstract – a call is forwarded by the telecommunication system (reads on claimed “internal network request”) to a voice mail service for leaving a message.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Malik-333, Chauvel et al to have the “the type of.....leave a message” as taught by Malik such that the modified system of Weisser et al, Malik, Malik-333, Chauvel et al would be able to support the internal network request to the system users.

Art Unit: 2645

6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al, and in view of Malik, Pandharipande (US: 6529500).

The rejections for claims 1 and 2 as stated above apply.

Weisser et al in view of Malik failed to teach authenticating the user for access. However, Pandharipande teaches on column 1 line 16-19 a password (reads on the claimed “authenticating”) is required for accessing the voicemail.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al in view of Malik to have the authenticating the user for access as taught by Pandharipande such that the modified system of Weisser et al, Malik would be able to support the authenticating to the system users.

7. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as stated in claim 40 above, and in view of Malik, Pandharipande, Malik-333.

Weisser et al teach on column 8 line 4-7 queuing a call based on the priority associated with the calling number.

Weisser et al in view of Malik, Pandharipande failed to teach “queuing the request based on a class of service (CoS) for the connection”. However, Malik-333 teaches on column 4 line 47 to column 6 line 33 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Pandharipande to have the “queuing the request based on a class of service (CoS) for the connection” as taught by Malik-333 such that the modified system of Weisser et al, Malik, Pandharipande would be able to support the CoS queuing to the system users.

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al as stated in claim 40 above, and in view of Malik, Pandharipande, Sawyer et al (US: 6324271).

Weisser et al in view of Malik, Pandharipande as stated in claim 40 above failed to teach “transferring a login token.....messaging system”. However, Sawyer et al teach on column 2 line 12-16 performing authentication of a caller and then sending the authentication information (claimed “login token”) to the terminating set.

It would have been obvious to one skilled at the time the invention was made to modify Weisser et al, Malik, Pandharipande to have the “transferring a login token.....messaging system” as taught by Sawyer et al such that the modified system of Weisser, Malik, Pandharipande would be able to support the transferring a login token to the system users.

Response to Arguments

9. Applicant's arguments filed on 7/25/04 have been fully considered.

- i) Applicant argues, on page 8-9, regarding claim 1. The VMS as taught by Malik is referenced to modify the called party (the advertise-on-busy subscriber) of Weisser. Malik teaches on item 25 Fig. 4 a called number (the called party of Weisser) is a VMS (claimed messaging system”) connecting to a SSP. Therefore, combining the Weisser and Malik, the call to the called party is a call to a messaging system.

Art Unit: 2645

- ii) Applicant argues, on page 9-10, regarding claim 3. Malik teaches on column 6 line 14-19, during the avenue of access to MLHG1, MLHG2, MLHG3, the class A user must be queued before either connecting or receiving busy signal. However, for class C user, the call is not queued for trying other MLHG. Therefore, Malik teaches “queuing the request based on the CoS”.
- iii) Applicant argues, on page 11-12, regarding claim 9. The priority associated with the type of request as taught by Chauvel reads on the priority associated with the CoS (see also rejections as stated above).

Conclusion

10. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Dans (US: 6195417) teaches automated system for accessing speech-based information.

11. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703)

Application/Control Number: 09/751,757

Page 9

Art Unit: 2645

305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow

(M)


EAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600